

**KAUAI COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, APRIL 12, 2023  
8:30 A.M. OR SOON THEREAFTER  
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201, LIHU'E, KAUAI, HAWAII 96766**

MEETING INFORMATION:

- **Oral Testimony:** Accepted in-person at the Council Chambers.
- **Written Testimony:** May be submitted before any meeting via: email to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov); fax to (808) 241-6349; mail to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i, 96766; or hand-delivery at Suite 209 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- **Courtesy Livestream, Video, and Minutes:** The meeting will be streamed live, with the recorded video thereafter available, at [www.kauai.gov/webcastmeetings](http://www.kauai.gov/webcastmeetings). If the courtesy broadcast connection cannot be maintained or is otherwise unavailable, the meeting will proceed. Meeting minutes will be completed pursuant to Hawai'i Revised Statutes Chapter 92 and electronically posted on the Council's website at [www.kauai.gov/council](http://www.kauai.gov/council) following Council approval.
- **For Further Assistance:** If you need an auxiliary aid/service, other accommodation due to a disability, or an interpreter for non-English speaking persons, please contact the Office of the County Clerk, Council Services Division at (808) 241-4188 or [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, braille, or electronic copy.

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. March 8, 2023 Council Meeting
2. March 22, 2023 Council Meeting
3. March 22, 2023 Public Hearing re: Bill No. 2895

E. INTERVIEWS:

## 1. FIRE COMMISSION:

- [Trevor J. Ford](#) – Term ending 12/31/2025

## 2. COST CONTROL COMMISSION:

- [Alice E. Luck](#) – Term ending 12/31/2024

## 3. POLICE COMMISSION:

- [Walton D.Y. Hong](#) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2023-79](#) Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Andre N. Lister to the Cost Control Commission – Term ending 12/31/2023. **(See Resolution No. 2023-34)**
2. [C 2023-80](#) Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Paul A. Pancho to the Cost Control Commission – Term ending 12/31/2023. **(See Resolution No. 2023-35)**
3. [C 2023-81](#) Communication (03/15/2023) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2023 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended **(See Resolution No. 2023-36)**
4. [C 2023-82](#) Communication (04/06/2023) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Resolution Amending Resolution No. 2011-77, Draft 1, No. 2017-28, And No. 2022-36, Draft 1, Relating To The County Of Kaua'i Reserve Fund And Reserve Fund Policy, to amend the financial policy of maintaining a Reserve Fund within the General Fund by reducing the target minimum of the previous year's General Fund revenues, as identified in the most recent Annual Comprehensive Financial Report (ACFR), from thirty percent (30%) to twenty-five percent (25%). **(See Resolution No. 2023-37)**

G. COMMUNICATIONS:

1. [C 2023-83](#) Communication (03/16/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$74,067.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 20-V2-03 (Victim/Witness program) for the period June 30, 2023 through September 30, 2023.
  
2. [C 2023-84](#) Communication (03/22/2023) from the Housing Director, requesting Council approval of the indemnification provisions contained within Sections C-15 and C-36 of the Purchase Agreement to acquire a 24.209-acre parcel in Kīlauea further identified at Lot II-A-2-B-4 of the Namahana Acres Subdivision, Tax Map Key (TMK) No. (4) 5-2-5-54. (The purchase price of \$4,500,000.00 will be paid in two (2) installments over a 6-month period: a \$2,000,000.00 payment in Fiscal Year (FY) 2022-2023 with funds previously approved by the Council (including \$1,000,000.00 of Federal American Rescue Plan funds), and a \$2,500,000.00 payment in FY 2023-2024 following Council approval of the FY 2023-2024 Operating and Capital Improvements Budgets.)
  
3. [C 2023-85](#) Communication (03/30/2023) from the Chief of Police and Bryson M. Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Fiscal Year 2022 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$48,330.00, and to indemnify the State of Hawai'i Department of the Attorney General, project award No. 15JOVW-22-GG-00419-STOP, to continue to provide program support of Sexual Assault Nurse Examiners (SANE) program related to training and equipment needs, for the anticipated period of June 1, 2023 to May 31, 2024.

H. LEGAL DOCUMENT:

1. [C 2023-86](#) Communication (03/23/2023) from the Housing Director, recommending Council approval of the terms and conditions, of a Right-of-Entry for historic survey and assessment purposes to determine suitability of State lands for affordable housing purposes and indemnification, between the County of Kaua'i and the State of Hawai'i, Department of Land and Natural Resources, situated at Tax Map Key (TMK) No. (4) 1-6-004:015, Waimea Town Lots, Waimea, Kaua'i, Hawai'i.
  - Right-of-Entry

I. CLAIMS:

1. [C 2023-87](#) Communication (03/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Henry Y. Emura, for personal property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2023-88](#) Communication (03/23/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cheryl Almeida, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2023-89](#) Communication (03/28/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Harry Curtis Ritter, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2023-90](#) Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Phillys Patricia Antoine, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
5. [C 2023-91](#) Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Susan Pang, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORT:1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2023-05:** on Bill No. 2895 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed-Use Exemption*) **[Approved.]**

K. RESOLUTIONS:

1. [Resolution No. 2023-34](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Andre N. Lister*)
2. [Resolution No. 2023-35](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Paul A. Pancho*)

3. [Resolution No. 2023-36](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2023 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

4. [Resolution No. 2023-37](#) – RESOLUTION AMENDING RESOLUTION NO. 2011-77, DRAFT 1, NO. 2017-28, AND NO. 2022-36, DRAFT 1, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY

L. BILL FOR SECOND READING:

1. [Bill No. 2895](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed-Use Exemption*) (*See also CR-FED 2023-05; the Finance & Economic Development Committee recommended approval on second and final reading.*)

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

1. ES-1093 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES-1094 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session, to provide a briefing regarding the claim filed against the County of Kaua'i by Joseph Kua, Jr., and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.